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COUNTY OF ALAMEDA and GREGORY AHERN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD FLEMMING

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.

Defendants.

Case No. 3:14-cv-05542-TEH

**STIPULATION TO CONTINUE MEDIATION
COMPLIANCE DEADLINE; [~~PROPOSED~~]
ORDER**

Hon. Thelton E. Henderson

STIPULATION

Defendants COUNTY OF ALAMEDA and GREGORY AHERN and plaintiff RICHARD FLEMMING by and through their respective attorneys of record, hereby stipulate as follows:

1 1. By order dated March 10, 2015 the parties' stipulation to participate in mediation was
2 adopted and ordered. Pursuant to the Court's order, the parties' deadline to complete mediation is
3 September 6, 2015. No trial date has been set.

4 2. By order filed May 6, 2015, the parties were assigned to mediator Mr. William M.
5 Goodman.

6 3. On May 19, 2015, the parties participated in a pre-mediation phone conference with Mr.
7 Goodman and scheduled mediation to take place on August 11, 2015. August 11, 2015 was the latest date
8 before the mediation compliance deadline that Mr. Goodman and the parties were available for
9 mediation.

10 4. Following the scheduling of mediation, the parties determined that they will be unable to
11 meaningfully participate in mediation by August 11, 2015 because of scheduling difficulties.

12 5. The parties have diligently pursued discovery in this matter. However, the essential
13 deposition of Plaintiff has been delayed due the parties' unavailability. Moreover, Defendant's responses
14 to Plaintiff's written discovery requests remain outstanding given the number of requests and the
15 unavailability of County personnel. Plaintiff's deposition has now been scheduled for August 27, 2015,
16 the first date available for all parties.

17 6. Additionally, Plaintiff's counsel will be involved in a no time waiver multi-defendant
18 preliminary hearing in mid-August.

19 7. The parties have made good-faith efforts to prepare to meaningfully participate in
20 mediation. However, due to the unanticipated difficulty in scheduling the essential deposition of Plaintiff,
21 the ongoing exchange of written discovery, unforeseen scheduling conflicts, and the limited availability
22 of the mediator, the parties will be unable to complete necessary discovery and adequately prepare for
23 mediation in compliance with this Court's September 6, 2015 deadline.

24 8. In a good-faith effort to comply with this Court's order referring the parties to mediation,
25 the parties have rescheduled mediation with Mr. Goodman for October 27, 2015, subject to this Court's
26 approval of the stipulated request herein to continue the mediation compliance deadline in this matter
27 through such date. An earlier mediation date could not be selected because Mr. Goodman advised the
28 parties that he is unavailable for mediation all of September and the majority of October.

9. For the good cause reasons stated above, the parties respectfully request this Court extend the deadline to complete mediation to October 27, 2015, to provide the parties additional time to complete necessary pre-mediation discovery. The parties further respectfully request this Court continue the presently scheduled August 31, 2015 case management conference to a date after October 27, 2015 as convenient to the Court.

10. The parties respectfully request that the Court approve this stipulation and incorporate its terms in an Order.

IT IS SO STIPULATED.

Dated: July 30, 2015

LAW OFFICE OF AUTUMN R. PAINE

By: /s/Autumn Paine
Autumn Paine
Attorney for Plaintiff
RICHARD FLEMMING

Dated: July 30, 2015

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/Michael C. Wenzel
Michael C. Wenzel
Attorneys for Defendants
COUNTY OF ALAMEDA
and GREGORY AHERN

ORDER

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to the same, the parties' stipulation is hereby APPROVED. The mediation compliance deadline currently set for September 6, 2015 is continued to October 27, 2015. The Case Management Conference scheduled for August 31, 2015 at 1:30 p.m. is continued to November 9, 2015 at 1:30 PM.

IT IS SO ORDERED.

Dated: 08/03/2015

